

FILED

JUL 18 2007

DISCIPLINARY COMMISSION OF THE
SUPREME COURT OF ARIZONA

BEFORE THE DISCIPLINARY COMMISSION
OF THE SUPREME COURT OF ARIZONA

IN THE MATTER OF A MEMBER)
OF THE STATE BAR OF ARIZONA,)

PAUL M. WEICH,)
Bar No. 014089)

RESPONDENT.)

Nos. 05-2252, 06-1153, 06-1716

DISCIPLINARY COMMISSION
REPORT

This matter came before the Disciplinary Commission of the Supreme Court of Arizona on June 16, 2007, pursuant to Rule 58, Ariz.R.Sup.Ct., for consideration of the Hearing Officer's Report filed April 24, 2007, recommending a two-year suspension, probation with reinstatement conditioned upon Respondent's compliance with the State Bar's Law Office Management Assistance Program (LOMAP) as ordered in file No. 04-0567, including a practice monitor, the State Bar's Member Assistance Program (MAP) and any other terms and conditions deemed appropriate at the time of reinstatement, return of client's documents, restitution, costs. Respondent filed an objection and requested oral argument. Respondent filed no further pleadings after his initial objection. Respondent and counsel for the State Bar were present for oral argument.

At oral argument, Respondent argued against the recommended sanction as being overly harsh. Respondent requested that the Entry of Default be set aside and the matter be remanded for reconsideration and to present evidence in an additional mitigation hearing. Respondent asserts that he was experiencing personal and emotional problems and therefore could not respond or cooperate with the State Bar in these matters. In closing,

Respondent advised that he has paid restitution to the client and provided a copy of her file. *See* Commission Transcript, p. 18.

The State Bar argued against remanding the matter and advised that it is not appropriate for the Commission at this time to consider Respondent's proffer of personal and emotional problems as for the reasons for his misconduct and for his failure to participate in these disciplinary proceedings. Rule 58(a), Ariz.R.Sup.Ct., provides that evidence not presented to the hearing officer shall not be presented to the Commission. In order to protect the public, the State Bar urged the Commission to accept the Hearing Officer's Report and recommended sanction.

Decision

The seven members¹ of the Disciplinary Commission unanimously recommend accepting and adopting the Hearing Officer's findings of fact,² conclusions of law, and recommendation for a two year suspension, two years³ of probation upon reinstatement (LOMAP, including a practice monitor, and MAP), restitution in the amount of \$2,500.00 to Janet Johnson Couture, return of the client's file, and costs of these disciplinary

¹ Commissioner Horsley and Gooding did not participate in these proceedings.

² In Count One, the Hearing Officer inadvertently stated that the last status Report received was several months prior to December 30, 2006, instead of December 30, 2005. *See* Report, p. 2.

³ The Hearing Officer inadvertently did not include a recommended length of probation; therefore, the Commission recommends two years of probation. A new probation contract shall be entered into upon reinstatement and shall include any other additional terms and conditions deemed appropriate at the time of formal reinstatement proceedings

proceedings.⁴

1 RESPECTFULLY SUBMITTED this 18th day of July, 2007.

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5 J. Conrad Baran, Chair
6 Disciplinary Commission

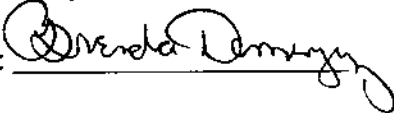
7 Original filed with the Disciplinary Clerk
8 this 18th day of July, 2007.

9 Copy of the foregoing mailed
10 this 18th day of July, 2007, to:

11 Honorable H. Jeffrey Coker
12 Hearing Officer
13 P.O. Box 23578
14 Flagstaff, AZ 86002-0001

15 Paul M. Weich
16 Respondent
17 4802 E. Ray Road, Suite 23-541
18 Phoenix, AZ 85044-001

19 Roberta L. Tepper
20 Bar Counsel
21 State Bar of Arizona
22 4201 North 24th Street, Suite 200
23 Phoenix, AZ 85016-6288

24 by: 

25 /mps

26 ⁴ A copy of the Hearing Officer's Report is attached as Exhibit A.